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REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[1 January 2000]

GE.00-10576 (E)

Question of population transfer

1. This Commission, through its Sub-Commission on the Promotion and Protection of Human Rights, has paid continuing attention to the problems of forced population transfer, as evidenced by the Sub-Commission's resolution 1998/27, calling for further study in light of the preliminary (E/CN.4/Sub.2/1993/17 and Corr.1) and final (E/CN.4/Sub.2/1997/23) reports of the Special Rapporteur on population transfer. These reports recognize that population transfers, including the implantation of settlers, affect the basic human rights of inhabitants and settlers. We would like to comment here on the human rights problems created by the large-scale but incremental implantation of Chinese settlers into Tibet and urge the Commission to give priority in its own agenda to problems of population transfer.

2. The Special Rapporteur's final report defines unlawful population transfer as "a practice or policy that has the purpose or effect of moving persons into or out of an area, whether within or across an international border, or into or out of an occupied territory, without the free and informed consent of the transferred population or any receiving population" (para. 66). The suffering of those driven out and the instability and continued conflict created by the transplantation of occupying settlers are obvious.

3. The final report notes further that population transfer, including the implantation of settlers, is unlawful even when "subtle and incremental" and even when carried on under the guise of economic development. Such is the case in Tibet. Since 1950, China has maintained a practice and policy of moving Chinese settlers into Tibet despite the opposition of Tibetans. Unfortunately, the transfer of millions of Chinese into Tibet has resulted in grave human rights violations for the Tibetan people.

4. The most recent and alarming instance of an attempt to transfer settlers into Tibet is the proposed China Western Poverty Reduction Project in Qinghai Province (north-eastern Tibet), which China proposes to fund with a World Bank loan. The oases and mineral reserves of Qaidam Basin in Qinghai Province have long been particularly attractive to Chinese policy makers and settlers. In April 1999, the World Bank revealed that it intended to fund the China Western Poverty Reduction Project, which included the resettlement of about 60,000 Chinese into Amdo Province of Tibet (now incorporated into Qinghai Province). Although proposed as a "poverty reduction project", plans show that the resettlement would have the effect of putting in place more human labour and infrastructure to support the exploitation of mineral resources in the area. Tibetans in the area have objected to the resettlement and substantial opposition has been raised to the project on human rights and environmental grounds.

5. The large-scale population transfer project would be funded by $160 million from the World Bank and the International Development Association. On 24 June, the World Bank approved the project, but suspended funding for the resettlement component pending a decision on whether to initiate an independent investigation. On 2 September 1999, the World Bank announced that an Inspection Panel would carry out an investigation into the project, including whether the World Bank failed to follow its own internal procedures in considering funding for the project without an appropriate environmental review and without properly consulting the people in the area where the resettlement would occur. The Inspection Panel has visited the area but has not yet issued its report.

6. In fact, Tibetans from Tulan County (the area into which the 60,000 Chinese would be resettled) sent two statements to the West appealing for support in efforts to halt World Bank funding of the China Western Poverty Reduction Project. According to one letter signed by the "Tibetan citizens of Tulan", by moving Chinese and Chinese Muslims into the area "the settlement is designed to create a dangerous situation in the region. Many of us will die in the conflicts and even if we survive, where do we go? We have no alternative but to defend our land." The other letter says that the project "is very dangerous to us, an evidence of the Chinese policy of ethnic cleansing of the Tibetan people. In the event the resettlement project is carried out with the World Bank financing, then the World Bank will have participated in passing a death sentence on us here."

7. The World Bank project is just one instance of a long-standing policy of the Government of China to resettle Chinese in Tibet. In 1994, the Government publicly acknowledged that it encourages and supports migration into Tibet. Recent statements by government leaders and in official Chinese publications have acknowledged government policies and programmes to encourage Chinese migration to Tibet. The 1997 Plan for the Tibet Autonomous Region focuses on attracting "private entrepreneurs from outside Tibet" as a principal means to expand the economy. Consequently, Chinese authorities in November 1997 announced additional economic incentives for Tibet and other "ethnic" regions. These were to provide low-interest loans, tax breaks and subsidies over the next three years, primarily for manufacturing firms. In August 1998, according to Xinhua, the official Chinese news agency, the Chinese authorities announced the completion of 60 key development projects in Tibet, among 62 projects that had been planned by the Communist Party Central Committee in Beijing without the participation of Tibetans. These projects, while intended to enhance living standards, were also intended "to enhance foreign investment" in Tibet. They are part of an overarching policy of building infrastructure and investment incentives to draw more Chinese settlers (alone or in partnership with other non-Tibetans) into Tibet.

8. In December 1998, the Tibet Information Network reported on renewed plans to attempt to link China with Tibet through a railway line from Qinghai Province. The report noted that even Chinese economists acknowledge that the railway cannot be justified on economic terms alone, but is intended to help bring Tibet under greater political control, in part by facilitating a greater influx of both troops and settlers into Tibet.

9. The great weight of independent legal opinion has concluded that Tibet was independent when China invaded in 1949/50 and is now an illegally occupied territory. Population transfer, when it involves resettlement into occupied territory, violates article 49 of the Fourth Geneva Convention, which China has ratified. Even if Tibet were not illegally occupied, the resettlement of Chinese into Tibet violates Tibetans' human rights. The right to self-determination provides that "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

10. The Tibetans are a people with a distinct language, culture, religion and history and are thus possessed of a right to self-determination provided under international law. The Sub-Commission's Special Rapporteur on population transfer has observed more specifically that a people with a right of self-determination have a right to control their economic, cultural and political destiny free of domination by implanted settlers.

11. The population transfer into Tibet that has already taken place, with its accompanying violations of civil and political rights, restrictive childbearing practices, threats to the physical health of Tibetans, discrimination and economic and physical dislocation, overburdens the fragile environment and the exploitation of resources. The population transfer is not just infringing on the Tibetans' human rights, it is threatening the very survival of the Tibetan people and culture. We therefore call upon the Commission to move forward the work of the Sub-Commission and the Special Rapporteur on population transfer by recognizing and condemning particular practices of implanting settlers, such as is being carried out in Tibet, which do cause severe human rights violations.